United States Bankruptcy Court

IN RE: WILLIAM COOK **CASE NO: 08-14235**
MARY COOK
DEBTORS

ORDER CONFIRMING THE DEBTOR'S PLAN, AWARDING A FEE TO THE DEBTOR'S ATTORNEY AND RELATED ORDERS

Following the meeting of creditors held pursuant to 11 U.S.C. 341 at which the debtor appeared in person to be examined by creditors and other interested parties, notice of an opportunity for a hearing on objections to confirmation was given, and, if any objections were timely filed, a hearing on same was held pursuant to 11 U.S.C. 1324:

__________ MITCHELL & CUNNINGHAM, PC __________

____

Continuances, if any, were:____________________

Other appearances were:____________________

____

The Debtor is hereinafter referred to in the masculine singular, even though this be a joint case or if the debtor is female. All references to "Rules" shall be interpreted as referring to the Bankruptcy Rules unless the context indicates otherwise.

At such hearing, the following objections to confirmation of the debtor's plan were considered:

At the hearing, the Court considered the matters presented by the Trustee, counsel for the debtor and by other interested parties, if any, and upon the pleadings and statements of parties and of counsel, and on the evidence presented, the court finds that:

A. Written notice of the meeting of creditors held pursuant to 11 U.S.C. 341 and of this hearing on the confirmation of the plan was given as required by Rule 2002;
B. The plan as presented for confirmation (hereinafter referred to as "the plan") complies with the provisions of Chapter 13 of Title 11 of the United States Code and the other applicable provisions of said Title;
C. Any fee, charges, or other amount required under Chapter 123 of Title 28, or by the plan, to be paid before confirmation has been paid;
D. The petition has been filed in good faith and not by any means forbidden by law;
E. The value, as of effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under Chapter 7 of Title 11 of the United States Code on such date;
F. With respect to each allowed secured claim provided for by the plan, the holder of such claim either accepted, or was deemed to have accepted, the plan as required by 1325(a) et. seq.
G. If the trustee or the holder of an allowed unsecured claim objected to the confirmation of the plan, then the court finds that the plan complies with 1325(b) et seq.

IT IS ORDERED THAT:

1. The debtor's plan is confirmed and (if appropriate) for cause shown, payments for a period not to exceed five years is approved.
2. The debtor, or his employer, shall make the payments to the trustee required by the plan as confirmed or as hereafter modified. If the debtor does not cause such payments to be timely made, the trustee shall order [per Section 542(b)] or request the Court to order [pursuant to Section 1325(c)] any entity from whom the debtor receives income to pay all or any part of such income to the trustee.
3. The debtor shall when practicable, obtain the approval of the trustee prior to incurring additional

consumer debt. The failure to obtain such approval if practicable, may cause the claim for such debt to be unallowable to the creditor [11 U.S.C. 1305(c)], and the debt to be nondischargeable for the debtor [11 U.S.C. 1328(d)].

4. All property shall remain property of the estate and shall vest in the debtor only upon dismissal, discharge, or conversion. The debtor shall be responsible for the preservation and protection of all property of the estate not transferred to the Trustee.
5. The trustee shall:
   a. Keep a detailed record of all receipts, including the source or other identification of each receipt, and of all disbursements [11 U.S.C. 1302(b)(1)]; and
   b. File with the Court, or if applicable, with the entity providing addressing service for the Court and the Trustee, notices of creditor's address change brought to the attention of the Trustee [Rule 2002 (g)]; and
   c. Deposit all funds received by the trustee under the plan with any entity which provides insurance, guaranties, or deposits in the manner prescribed by 11 U.S.C. 345.
6. Pursuant to 11 U.S.C. 1326 the order of payment, unless otherwise directed, shall be:
   a. Any unpaid claim of the kind specified in Section 507(a)(1) of Title 11 U.S.C.;
   b. The percentage fee fixed for the trustee pursuant to Section 1302(a) of said title (or Section 586(e)(1) of Title 28, if applicable);
   c. Creditors whose claims are timely filed and allowed in such amounts and order of preference as may be provided by the plan or as may be required to provide adequate protection of the interest of any entity with an interest in the property of the estate.
7. The Trustee, the debtor and attorney for the debtor shall examine proofs of claim, or summaries thereof, and shall object to the allowance of improper claims as provided by 11 U.S.C. 704(4).
8. The Trustee shall at least once each six months file with the Court a report showing the funds received and the disbursements made by him since the date of the last report, and shall upon completion on the plan file with the Court a final report and account containing or incorporating by reference a detailed statement of receipts and disbursements [Rule 13-208(5)].
9. Ninety days after the final distribution, the trustee shall stop payment of all checks then unpaid and file with the Clerk of the Court a list of the names and addresses, so far as known, of the persons entitled to such payments and the amounts thereof. The unclaimed funds shall be paid into the Court and disposed of under Chapter 129 of Title 28 [11 U.S.C. 347 and Rule 3001].

ALLOWANCE OF ATTORNEY'S FEES

The application by the attorney for the debtor for the allowance of reasonable compensation as authorized by 11 U.S.C. 330 having been considered, the court finds that a reasonable fee for the services performed and undertaken by such attorney is **$2,500.00**, of which **$1,177.00** was paid to such attorney prior to the filing of the petition initiating this proceeding.

The balance of such fee **($1,323.00)** shall be paid by the trustee from the monies received under the debtor's plan, provided, however, that such payments shall be deferred in time to payments, if any, which may be required to provide adequate protection of the interest of the holders of any secured claims.

David W. Houston, III
BANKRUPTCY JUDGE
1/26/09

Approved:

Attorney for the Debtor(s)

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Amended

CHAPTER 13 PLAN
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI **CASE NO:** 08-14235

Debtor William Cook SS#XXX-XX- 0593 Current Monthly Income $ 2963.71

Jt. Debtor Mary Cook SS#XXX-XX- 2258 Current Monthly Income $ -0-

Address 1486 CR 127, New Albany, MS 38652 No. of Dependents 0
Telephone No.______ TAX REFUNDS AND EIC FOR DISTRIBUTION: 0

THIS PLAN DOES NOT ALLOW CLAIMS. Creditors must file a proof of claim to be paid under any plan that may be confirmed. All secured / priority debts are provided for in this plan.

PAYMENT AND LENGTH OF PLAN

The plan period shall be for a period of 60 months, not to exceed 60 months. Debtor or Joint Debtor will make payments directly to the Trustee ONLY if self-employed, unemployed or the recipient of government benefits.

* (A) Debtor shall pay ~~158.~~ 153.50 per (monthly / semi-monthly / week / bi-weekly) to the Chapter 13 Trustee. A payroll deduction order will be issued to Debtor's employer @:

Caye Furniture
1201 W. Bankhead St.
New Albany, MS 38652

(B) Joint Debtor shall pay $______ per (monthly / semi-monthly / weekly /bi-weekly) to the Chapter 13 Trustee. A payroll deduction order will be issued to Debtor's employer @:

PRIORITY CREDITORS. Filed claims that are not disallowed to be paid in full: IRS $\_\_\_\_\_\_ @$______ /mo

State Tax Commission $\_\_\_\_\_\_ @$______ /mo Other $\_\_\_\_\_\_ @$______ /mo

DOMESTIC SUPPORT OBLIGATIONS (POST PETITION) DUE TO:

beginning ______ in the amount of $______ per month shall be paid:

______ direct ______ through payroll deduction ______ through the plan.

PREPETITION DOMESTIC SUPPORT ARREARAGE CLAIMS DUE TO:

In the amount of $______ shall be paid $______ per month:

______ through payroll deduction ______ through the plan.

HOME MORTGAGE (S)

MTG PMTS TO: Green Tree BEGINNING 11/1/08 @$ 335.94 ( ) PLAN (X) DIRECT

MTG PMTS TO: BancorpSouth Bank BEGINNING 11/1/08 @$ 134.00 ( ) PLAN (X) DIRECT

* MTG PMTS TO ______ BEGINNING ______ @______ ( ) PLAN (X) DIRECT

MTG ARREARS TO: ______ THROUGH ______ $\_\_\_\_\_\_ @$______ /MO

MTG ARREARS TO: ______ THROUGH ______ $\_\_\_\_\_\_ @$______ /MO

MTG ARREARS TO: ______ THROUGH ______ $\_\_\_\_\_\_ @$______ /MO

Debtor's Initials WC Joint Debtor's Intials MC

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SECURED CLAIMS. Creditors that have filed claims that are not disallowed are to retain lien(s) under 11 U.S.C. 1325(a)(5)(B)(i) until plan is completed and be paid as secured claimant(s) the sum set out in column "Total Amt. to be Paid" or pursuant to Order of the Court. That portion of the claim not paid as secured shall be paid as an unsecured claim.

	Creditor's Name	Collateral	Approx. Amt. Owed	Value	*Int. Rate	Total Amt. To Be Paid	Monthly Payment
	Advantage Financial	NPM (N-E)	1524.90	0.00	%	Treat as unsecured-No UCC	
*	American General	1995 Ford F150 & NPM(NE)	~~6000.00~~ 6580.11	5757.50	9.5%	7255.09	120.92
*910	Toyota Financial	2006 Jeep Liberty	~~10596.45~~ 18,266.82	12762.50	~~9.5~~ 8.35%	~~23433.60~~ 22407.16	~~390.56~~ 373.45
					%		

***PAY CONTRACT RATE OR NO MORE THAN 9.5%.**

SPECIAL CLAIMANTS. (Co-signed debts, collateral for abandonment, etc.) ON ABANDONED COLLATERAL, DEBTOR TO PAY ZERO ON SECURED PORTION OF DEBT. Where proposal is for payment, creditor must file a proof of claim to receive proposed payment.

	Creditor's Name	Collateral or Type of Debt	Approx. Amt. Owed	Proposal to Be Paid
	Aqua Finance	Hyla Vacuum	~~1147.48~~ 1078.55	Surrender in Full Satisfaction – Pay 0
	BNA Bank	2005 Yamaha Bruin 4 wheeler	2231.64	Surrender in Full Satisfaction – Pay 0
	Vanderbilt Mortgage	2000 Pennacle Doublewide	~~54658.51~~ 54,739.90	Surrender in Full Satisfaction – Pay 0
*	Central Fin + 2nd mtge	1996 Toyota + NPM(NE) 2000 Pinnacle Doublewide	1192.00	Surrender in Full Satisfaction - Pay 0

SPECIAL PROVISIONS for all payments to be paid through the plan, including, but not limited to, adequate protection payments: The Individual plan payments to creditors shall constitute adequate protection payments to Creditors pursuant to this court's standing order.

UNSECURED DEBTS totaling approximately $ 49,346.06 are to be paid ____ IN FULL * PERCENT MINIMUM **Only to Creditors** that file **TIMELY** claims, that are not disallowed, in deferred payments.

* ***Pay** 4934.61 **pro rata to unsecured claims approximately** 10 **%**

Total Attorney Fees Charged $ 2,500.00

Attorney Fees Previously Paid $ 1177.00

Attorney fees to be paid through the plan $ 1323.00

Pay administrative costs and debtor's attorney fees pursuant to Court Order and/or local rules.

Name/Address/Phone # of Vehicle Insurance Co./Agent

Telephone/Fax

Attorney for Debtor (Name/Address/Phone #/Email)
MITCHELL & CUNNINGHAM PC
WILLIAM C. CUNNINGHAM
P.O. BOX 7177
TUPELO, MS 38802
Telephone 662-407-0408

DATE: 10/6/08

DEBTOR'S SIGNATURE William Cook

JOINT DEBTOR'S SIGNATURE Mary Cook

ATTORNEY SIGNATURE W. C. C.